

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM M. ABEND and MARCIA F.
ABEND,

Plaintiffs,

v.

CITY OF OAKLAND, et al.,
Defendants.

No. C 06-07459 JSW

**ORDER GRANTING
PLAINTIFFS' MOTION TO
CONTINUE HEARING AND
BRIEFING ON MOTION TO
DISMISS AND SETTING
HEARING AND BRIEFING ON
MOTION TO REMAND**

The Court, having received Plaintiffs' motion to stay, or alternatively, to continue the briefing schedule and hearing date on Defendants' motion to dismiss for failure to state a claim, and having received Defendants' opposition, in the interest of judicial efficiency, does
HEREBY ORDER:

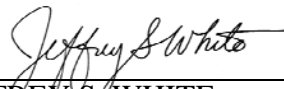
The hearing on Defendants' motion to dismiss for failure to state a claim, previously set for February 23, 2007 at 9:00 a.m. is hereby vacated. The briefing schedule for that motion set by Order dated December 12, 2006 is hereby vacated.

Plaintiffs shall file on or before January 5, 2007, their motion to remand this action to the Superior Court in Oakland. Defendants' opposition shall be due by January 19, 2007. Plaintiffs' reply shall be due by January 26, 2007. The motion to remand shall be heard on February 23, 2007 at 9:00 a.m. At that time, if necessary, the Court will set a further hearing and briefing schedule on Defendants' motion to dismiss for failure to state a claim.

1 If the Court determines that the motion to remand is suitable for resolution without oral
2 argument, it will so advise the parties in advance of the hearing date. If the parties wish to
3 modify this schedule, they may submit for the Court's consideration a stipulation and proposed
4 order demonstrating good cause for any modification requested.

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6 **IT IS SO ORDERED.**

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8 Dated: December 21, 2006



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE